

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

MICHAEL DUANE ERIE,

Plaintiff,

v.

DON HOLBROOK, DR. EDWARD,
ARPN SILVER, DR. SAWYER and
DR. SMITH,

Defendants.

NO: 4:15-CV-5071-TOR

ORDER GRANTING MOTION TO
VOLUNTARILY DISMISS,
DISMISSING COMPLAINT, AND
DIRECTING THAT COLLECTION
OF THE FILING FEE CEASE

BEFORE THE COURT is Plaintiff's Motion to Voluntarily Dismiss pursuant to Rule 41 (a), Federal Rules of Civil Procedure (ECF No. 8). Plaintiff, a prisoner at the Washington State Penitentiary, is proceeding *pro se* and *in forma pauperis*; Defendants have not been served.

Accordingly, **IT IS ORDERED** Plaintiff's Motion to Voluntarily Dismiss (ECF No. 8) is **GRANTED** pursuant to Fed. R. Civ. P. 41(a) and the filed Complaint (ECF No. 6) is **DISMISSED WITHOUT PREJUDICE**. For good cause shown, **IT IS FURTHER ORDERED** that Plaintiff's Motion to waive

1 collection of the filing fee (ECF No. 9) is **GRANTED** and the institution having
2 custody of Mr. Erie shall cease collection of the filing fee in this action, cause
3 number **2:15-CV-05071-TOR**.

4 **IT IS SO ORDERED.** The District Court Executive is directed to enter this
5 Order, enter judgment of dismissal without prejudice, forward a copy to Plaintiff
6 and close the file. The District Court Executive is further directed to send a copy
7 of this Order to the Office of the **Department of Corrections, Attn: LFO/COS**
8 **UNIT, P.O. Box 41107, Olympia, WA 98504-1107**, to forward to the appropriate
9 agency having custody of Plaintiff. The District Court Executive shall also provide
10 a copy of this Order to the Financial Administrator for the United States District
11 Court, Eastern District of Washington.

12 **DATED** September 24, 2015.



Thomas O. Rice
THOMAS O. RICE
United States District Judge